

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 11, 2021

3:32 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator Lora Reinbold, Vice Chair
Senator Mia Costello
Senator Roger Holland

MEMBERS ABSENT

Senator Scott Kawasaki

COMMITTEE CALENDAR

SENATE BILL NO. 39

"An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 43

"An Act relating to campaign finance and initiatives; relating to elections and voting; and relating to unlawful interference with voting."

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 25

"An Act relating to the establishment and maintenance of an Internet website providing information on state government financial transactions and specifying the information to be made available on the website."

- SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 5

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit; and relating to the budget reserve fund.

- SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 6

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, appropriations from the permanent fund, and the permanent fund dividend.

- SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 7

Proposing amendments to the Constitution of the State of Alaska relating to prohibiting the establishment of a state tax without the approval of the voters of the state; and relating to the initiative process.

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 53

"An Act relating to use of income of the Alaska permanent fund; relating to the amount of the permanent fund dividend; relating to the duties of the commissioner of revenue; relating to an advisory vote on the permanent fund; providing for an effective date by repealing the effective date of sec. 8, ch. 16, SLA 2018; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and appropriations from the Alaska permanent fund.

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 39

SHORT TITLE: BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

SPONSOR(s): SENATOR(s) SHOWER

01/25/21	(S)	PREFILE RELEASED 1/15/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS

01/25/21	(S)	STA, JUD
01/26/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/28/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/28/21	(S)	Heard & Held
01/28/21	(S)	MINUTE (STA)
02/02/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/02/21	(S)	Heard & Held
02/02/21	(S)	MINUTE (STA)
02/09/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/09/21	(S)	Scheduled but Not Heard
02/11/21	(S)	STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

HARS VON SPAKOVSKY, representing self
Heritage Foundation
Washington, DC

POSITION STATEMENT: Testified on SB 39 by invitation.

CHRISTIAN ADAMS, President
Public Interest Legal Foundation
Washington, DC

POSITION STATEMENT: Testified on SB 39 by invitation.

JASON RAMPTON, Vice Chair
District 14 Republican Party
Eagle River, Alaska

POSITION STATEMENT: Testified on SB 39 by invitation.

LANCE PRUITT
Anchorage, Alaska

POSITION STATEMENT: Testified on SB 39 by invitation.

ACTION NARRATIVE

3:32:56 PM

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Reinbold, Costello, Holland, and Chair Shower.

SB 39-BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

3:33:38 PM

CHAIR SHOWER announced the consideration of SENATE BILL NO. 39, "An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for

ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

3:34:08 PM

HARS VON SPAKOVSKY, Heritage Foundation, introduced himself and shared that he is currently a senior legal fellow and manager of the election law reform initiative at the Heritage Foundation, and in the past has been a county election administrator in two different counties and states. In addition, he informed the committee he has served at the justice department enforcing federal voting laws. He emphasized that he is testifying as an individual and not as a representative of the Heritage Foundation.

MR. VON SPAKOVSKY opined that it is critically important for states to improve election integrity, which includes ensuring that everyone who votes is legally eligible, that each vote is counted, and that the process is open to observation by the public. He emphasized the importance of transparency, an example of which being that the public, the political party, and the candidates all agree the election result was achieved without mistake or fraud. He opined the fairest way to achieve this goal is by requiring voters to authenticate their citizenship, identity, and residence when they register and vote. He added that it is also important for states to maintain up-to-date voter registration rolls and ensure that deceased individuals do not remain on the rolls. He shared his understanding of a study conducted in 2012 by the "Pew Foundation" [Pew Research Center], which estimated there were 24 million voter registrations with significant errors, there were 1.8 million deceased individuals who remained on the voter rolls, and 2.7 million voters registered in more than one state. He shared his understanding that criminal penalties imposed after voter fraud has occurred were an inefficient deterrent to voter fraud itself. He added that when former U.S. Supreme Court Justice John Paul Stevens was on the U.S. Supreme Court in 2008, when upholding Indiana's voter ID law, Justice Stevens noted that fraud has been documented and can affect the outcome of a close election. He cited examples of close elections that have been overturned, such as the 2008 congressional race in North Carolina's 9th district, and a city council race in Patterson, New Jersey last summer.

3:38:59 PM

MR. VON SPAKOVSKY stated that the Heritage Foundation fraud database has 1,311 "proven cases of [voter] fraud" entered. He clarified that for a case to be considered "proven" by the Heritage Foundation, an individual had to have been convicted in a court of law for fraud, a court ordered a new election [due to fraud], or a state agency has to have found fraud. He offered a sampling, which included "illegal aliens" from Mexico who registered and voted in Alaska, and another that forged signatures on absentee ballots. He said this list was the tip of the iceberg and cited another example from Pennsylvania in which an individual admitted to accepting bribes and "stuffing the ballot box."

3:40:41 PM

MR. VON SPAKOVSKY offered an answer to this problem by giving examples of improvements that states could make. He referenced a document [included in the committee packet], titled "The Facts About Election Integrity and the Need for States to Fix Their Election Systems" that was recently released by the Heritage Foundation. It lists the foundation's view of the best voting practices and their recommendations on the entire voting process, from voter registration systems to the handling of absentee ballots.

MR. VON SPAKOVSKY paraphrased some sample recommendations from the list, beginning with the recommendation for statewide voter registration lists to be compared with other state databases to ensure that there were no duplicate voter registrations for the same voter. He stated that the intended purpose of this database was to find relevant information that may affect voter eligibility. He said he viewed the system as advantageous for voters as the system should automatically change voter registration information when individuals moved to a new state. He continued to offer samples from the list, and recommended states check new voter registrations against county tax records. He recommended states run quarterly comparisons against the National Change of Address system run by the U.S. Postal Service to find individuals who have moved to another state and should no longer be on the voter registration list for that state. He added that state election officials should be given access to commercial data houses, particularly credit agencies, in order to maintain the accuracy of the voter registration system. Regarding citizenship, Mr. Von Spakovsky advocated for states to implement a questionnaire for individuals called to jury duty which would inquire about their citizenship, filled out under oath. He added states should require the information gleaned

from the questionnaires to go to election officials to make them aware of the individuals who have called in from jury duty who have either moved to another state or are not U.S. citizens. He added that federal courts should be implementing the same practice with their juror information.

3:46:09 PM

MR. VON SPAKOVSKY stated that the basic requirement for secure voting is ID for both in-person and absentee ballots. He offered his understanding that the polls show that an overwhelming percentage of American voters support voter ID laws. He opined that Alaska voter ID requirements are weak because they allow utility bills and bank statements as sufficient forms of ID, and these are easily forgeable. He compared this to the Alaska Permanent Fund Dividend, which does not accept utility bills or bank statements as a method for establishing residency in the state. He reiterated absentee ballots should require voter ID in addition to being subject to a tracking system in order to determine where an absentee ballot is and when it should arrive, both when a ballot is sent to a voter and when the voter sends the ballot back to election officials. He shared that the U.S. Election Assistance Commission files a report with Congress every two years based on survey data from each state. According to this report, almost 3,000 absentee ballots were listed as "undeliverable" in Alaska in the last four federal elections, and over 18,000 were listed by Alaska as "status unknown." He supposed that a tracking system would help the state determine what happened to those ballots. In addition, he recommended that all states should ban vote harvesting. His reasoning for this was if a state allowed for a third party to deliver ballots, it made the ballots much more vulnerable to being altered or not delivered, and subjected absentee voters to coercion and pressure in their homes. He stated that these situations have occurred in absentee ballot fraud cases.

3:51:53 PM

MR. VON SPAKOVSKY concluded that all states should ban election officials from receiving private funding from private organizations. This could make election officials feel obligated to act at the directive of these private organizations and create unequal opportunity to vote within a state. He offered his understanding that if certain jurisdictions are getting private funding above the state and local funding, they may create more opportunities to vote in those highly funded areas than in other areas of the state.

3:53:20 PM

CHAIR SHOWER asked Mr. Von Spakovsky and the panel to make recommendations for best practices to verify identification through multi-factor authentication for in-person and absentee ballots, taking into consideration a balance between election integrity and equity, and allegations of voter suppression.

MR. VON SPAKOVSKY suggested that laws requiring ID to vote have been in place for over a decade. He stated that the majority of lawsuits filed against voter ID requirements have failed. He said states that have passed voter ID laws have included language to allow for people to obtain ID [at no cost]. Furthermore, most Americans already have an ID. He cited papers that he has published on voter turnout in states that require voter ID that revealed an increase in voter turnout, with Black and Hispanic voters in Georgia increasing at a greater rate than for white voters. He referred to a study published in 2019 by the National Bureau of Economic Research examining voter turnout in all fifty states in 2008-2016 that concluded that voter ID laws had "no negative effect on registration or turnout overall, or for any specific group defined by race, gender, age, or party affiliation." Regarding absentee [voter ID requirements], he referred to laws in Alabama and Kansas. He stated that Kansas allows for voters to submit photocopied government IDs or provide the state-issued serial number assigned to each Kansas ID along with their ballots.

MR. VON SPAKOVSKY suggested that Americans are required to furnish ID routinely for many different reasons including constitutionally protected rights, such as for a gun purchase or a marriage license.

4:00:41 PM

SENATOR REINBOLD lauded the discussion and proposed legislation as a blueprint for improving elections in Alaska. She expressed her dissatisfaction with allegations of voter suppression and stated her intent to assert that such allegations are false.

SENATOR REINBOLD stated that the Senate Judiciary Standing Committee has invited [Third Judicial District Superior Court] Judge Crosby to testify in order to assert legislative oversight of the judicial branch comparable to the oversight apparent of the administrative branch. She stated that she looked forward to hearing SB 39 in the Senate Judiciary Standing Committee. SENATOR REINBOLD asked if he was familiar with [Judge Crosby's] ruling.

CHAIR SHOWER advised that Judge Crosby "struck down our witness signature requirement ... the legislature's purview."

[4:02:43 PM](#)

MR. VON SPAKOVSKY said that he was familiar with the case and added that Andino v. Middleton was filed in South Carolina to permit the state to exempt its witness signature requirement during the COVID-19 pandemic. That was overturned by the U.S. Supreme Court, which removed the stay imposed in lower courts. He suggested that numerous cases existed in which lower court stays were overturned by higher courts. He stated that the opinions of the higher courts indicated that lower court judges were interfering with state legislatures and that state officials were better equipped to make determinations regarding voting during the pandemic. He opined that judges in Alaska should follow the guidance of the U.S. Supreme Court [in the Andino v. Middleton ruling] and allow the witness signature requirement to be enforced.

CHAIR SHOWER asked whether he was aware of any mandatory voter ID that would violate the 1965 Voting Rights Act.

MR. VON SPAKOVSKY answered that only in one or two cases was there a violation of the Act identified. He added that the voter ID laws apply equally to all voters and that there was no evidence produced that the issuance of IDs discriminated against any ethnicity obtaining an ID.

[4:08:55 PM](#)

CHAIR SHOWER asked whether he or anyone in his organization had contacted the Alaska Division of Elections with its findings.

MR. VON SPAKOVSKY answered that to his knowledge no one in his organization had contacted the division; however, it had widely distributed the Best Practices in Achieving Integrity in Voter Registration throughout the country.

[4:10:39 PM](#)

CHRISTIAN ADAMS, President, Public Interest Legal Foundation (PILF), explained that PILF is a 501(c)(3) that promotes election integrity. Mr. Adams offered background, highlighting his experience as an attorney working on litigation around the country regarding the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Help America Vote Act of 2002 (HAVA), and other constitutional provisions related to voting.

MR. ADAMS stated that he has been studying Alaska elections for a long time and has shared his findings with the Alaska Division of Elections over the years. He conveyed that one of Alaska's most consistent problems is that the state has voter registration rates above 100 percent of those that are eligible to vote. The Election Assistance Commission (EAC) has noted in semi-annual reports that Alaska is always coming in with "implausible" rates of registration. This number has been off by a significant margin year after year, which indicates that there is something wrong. He said Alaska has been the worst in the country with implausible rates of registration, having more people register to vote than there are alive.

MR. ADAMS continued to explain that the normal rate is 70-80 percent of the age eligible citizen population; however, in Alaska, it is consistently in the implausible range and there has been no fix. He said that for a period of time, Alaska allowed citizens to register in multiple jurisdictions, which could be one cause of the problem. He shared his belief that this situation could have been mitigated in the last three or four years.

MR. ADAMS stated that the Help America Vote Act required every state to set up a statewide database to fix multiple registrations by one person. He pointed out that Alaska may not be using the effective review of this centralized statewide database. Mr. Adams said he has yet to find a state voter registration database that sorts registered voters by address. This way, redundant voter registrations can be found, which have deviations in the input of their names into the database, such as a middle name in one place and a middle initial in another registration. He proposed that it could account for Alaska's implausible rates of registration. He said last year, PILF published a report available online called "Critical Condition," in which the organization purchased voter rolls from 41 states and centralized them to cross check both registration in multiple states and voters who voted after their registered death. He indicated that in 2018, the study found that 61 Alaskans cast ballots after death and in 2016, there were 62. He said another problem is duplicate registrations. He cited an example in Pittsburg where one person had seven active registrations through third parties.

[4:18:23 PM](#)

MR. ADAMS related that Alaska ranked 13th in the country for same address duplicates in 2016 with 209 duplicate votes. He noted that sometimes there are false positives with this metric.

However, PILF cross checked the information with multiple commercial databases and other credit reporting boroughs to be certain it was the same individual voting twice, and not a junior or senior with the same name. In the 2018 midterms, Alaska was 13th in the nation with 190 same address duplicate votes. He said these are considered intrastate duplicate votes.

4:20:13 PM

MR. ADAMS suggested address clarification was another solution. When a citizen registers to vote in Alaska, the law says the citizen must provide his or her address where they claim residency. This means he or she may not use a PO Box, a PFC, an HR, or an RR. In other words, Mr. Adams clarified, an individual cannot register where they do not live. He indicated that Alaska has 565 voters registered at [nonresidential] addresses.

4:21:55 PM

MR. ADAMS concluded his testimony by imploring the committee to "[n]ever allow private entities to fund elections, [and] do not allow outside third parties to put in structural bias into the system." He argued that the best way to destroy trust in elections is to fund them with private money and reiterated his advice not to allow that to happen in Alaska.

CHAIR SHOWER thanked Mr. Adams for his presentation, saying it brought clarity and good information.

CHAIR SHOWER said his office would like to access to PILF's data set used in the presentation. He asked who has attempted to contact the Division of Elections regarding this information.

MR. ADAMS responded that his staff contacted the division, and [the Division of Elections has] this information. He explained that when PILF finds these problems, it alerts the Division of Elections to the problems on their voter rolls. Over the years, he said, [his staff] has been sending the information to the Division of Elections as they find it. He argued that it should not be a mystery that this is a problem.

4:24:11 PM

SENATOR REINBOLD complimented Mr. Adam's presentation. She then clarified that Mr. Adams misspoke at [4:21:06] saying "565 noncommercial" when discussing nonresident addresses and asked for the record to be clarified.

MR. ADAMS agreed that he had misspoken and corrected the record of his previous testimony to "nonresidential addresses where these individuals are registered to vote."

SENATOR REINBOLD asked for further clarification from Mr. Adam's testimony regarding Alaska's rank.

MR. ADAMS explained Alaska was ranked 13th worst in the country for "same address duplicate showing second vote credits" for 2016 and 2018.

SENATOR REINBOLD asked if the deceased voters from 2016 and 2018 were from District 15 and if they were related to Representative Gabrielle LeDoux. She also asked him to weigh in on independent expenditures, explaining that [Alaskan election campaigns] have a lot of independent expenditures. She said the governor and many legislators have used independent expenditures when seeking election. Lastly, she asked how to exclude private entities from elections so they may be impartial.

MR. ADAMS said he is not inferring that the numbers refer to a specific person or race; nonetheless, he offered to find out the distribution of the dead votes in Alaska. He noted that he did not know what district they were in or where they were concentrated, though he had the names. He further stated that the Division of Elections has this information and has already been alerted.

MR. ADAMS addressed Senator Reinbold's last question regarding independent expenditures. He explained that in 2020 over \$450 million flowed into financing elections through private [501(c)(3)] foundations. He cited an election in Philadelphia with a budget that was doubled from a single private doner and explained how this could make the electoral system feel untrustworthy to the doner's opposition. He further pressed the idea that private interests should not be funding government election offices.

CHAIR SHOWER thanked Mr. Adams on behalf of the committee. He explained that this effort was started three years ago and both sides have disputed the elections. He opined that most people's faith in the election system has been shaken and the goal is to restore faith so citizens may trust the results of an election. He advised that the committee may be in touch about the path forward.

[4:29:37 PM](#)

JASON RAMPTON, Vice Chair, District 14 Republican Party, provided a brief history of his service in the U.S. Air Force and experience working as a dentist in Eagle River. Dr. Rampant recounted reports of voter "irregularities" within District 14 in November 2020. He explained that he notified both the Division of Elections and the Lieutenant Governor of the irregularities, which he proceeded to describe. He anecdotally reported that during a district meeting, Paulette Ditzler claimed that upon arriving at her polling location for the first time, she was told her vote had already been cast. Ms. Ditzler was allowed to enter a contested ballot that was eventually counted; however, the situation was never resolved. He noted that additional allegations followed regarding receipt of multiple ballots, including Jeff Wright from Eagle River who reported that three mail-in ballots addressed to former residents were delivered to his home; Jammie Allard received two ballots addressed to former residents; and Joe Wright received a ballot addressed to his son who no longer lives at home. Additionally, in 2016, former Representative Sharon Jackson received a ballot addressed to someone who had been deceased for seven years, and in 2019, Kristen Bush, an Eagle River resident, received four ballots that were all addressed to other people. Dr. Rampton estimated those examples account for 12 extra ballots received in District 14; furthermore, he surmised that there were many more [discrepancies] in the state at large.

DR. RAMPTON relayed that he collected the list of names from the misaddressed ballots and reported the information to the Division of Elections. He offered his understanding that the division is attempting to "clean up the records" to prevent ballots from being issued to those names again in the future. Nonetheless, he opined that it does not solve that problem for the rest of the state. He shared another personal anecdote about potential attempted voter "fraud" that occurred "quite a few years back" involving an individual from out of state who attempted to procure a ballot under the name of a deceased person. He maintained that the division was unhelpful in resolving the issue.

[4:41:54 PM](#)

DR. RAMPTON referenced a chart [included in the committee packet], he found on the internet titled "Over-Registration." It indicates that Alaska has 43,881 over-registered voters. He also referenced a document [included in the committee packet], titled "Voting Facts in Alaska." He remarked:

Those numbers when added together - the residents over 18 and the Alaskan registered out-of-state voters - those numbers should total 597,000, which is on the far [right] side of the sheet there. That's the total number of registered voters ... but the Division of Elections, or whoever reported this, has reported the number of 553,438 - that's the total number of residents over 18 ... that has nothing to do with people that are registered, but they've put it in there and they've made it appears as though it is.

DR. RAMPTON, still referencing the "Voting Facts in Alaska" document, proposed that if 90 percent of Alaska residents over 18 were registered to vote, then 99,225 out-of-state people would be registered to vote in Alaska. He suggested that "the books are cooked" and maintained that the chart, titled "Over-Registration," is misrepresenting the number of out-of-state people who are registered to vote in Alaska. Furthermore, he claimed that the division refuses to provide the number of registered voters "inside the boundaries of Alaska." He asserted that number of registered voters in Alaska would allow for the correct calculation of the number of out-of-state voters, which he assumed is much higher than 43,881. Additionally, he purported that Alaska is closer to 130 percent over-registered. He speculated that the large number of out-of-state voters that are registered to vote in Alaska is largely due to individuals who continue to receive the PFD after leaving the state. In closing, he restated his belief that the number of registered voters living outside the state is closer to 150,000, not 43,881.

4:49:26 PM

SENATOR REINBOLD conveyed that she continues to receive ballots addressed to her two children who moved out of state five years ago; therefore, she speculated that the numbers provided by Dr. Rampton are underestimated.

DR. RAMPTON acknowledged that he did not "dig deep" for the information regarding multiple ballots, it was acquired from people who did not know where else to report it.

CHAIR SHOWER sought to clarify whether those people received multiple ballots or multiple applications.

DR. RAMPTON maintained that he verified the information this morning and each person said they received ballots.

4:52:23 PM

LANCE PRUITT, a former state representative representing himself, informed the committee that he was recently a candidate in District 27. He said the race was close and a lot was learned. To that end, he outlined topics on which he would speak: polling locations; people who have moved into or out of the district; and the number of absentees counted compared to past elections.

MR. PRUITT said the issue of polling locations was argued in the Supreme Court. In District 27, he stated that two precincts were moved: in the first instance, which was Basher precinct, voters received notice of the move via US mail. In the second, people were taken by surprise. On August 17, 2020, the chair of the district showed up at the polling location to make sure everything was in order. He signed in and had his temperature checked. Then he called the Division of Elections ("division") and stated that checking according to the corporate policy of Wayland Baptist University, was "probably going to be a challenge." The location was henceforth changed to Muldoon Town Center. When it came time for the general election, Mr. Pruitt stated that he wanted to communicate to people where they needed to go to vote, as the change had happened so suddenly in the primary election.

MR. PRUITT stated that on October 21, 2020, he asked the division the whereabouts of the polling place and it was determined to be the Muldoon Town Center. He asked how to ensure it would not move again and was told the contracts were already signed and it was "not moving." Mr. Pruitt then found out the very next day, October 22nd, that when the division called the owner of the Muldoon Town Center to check in, they were told they could not have the precinct there. Reasons cited were Muldoon Town Center was not made aware ahead of time the last time elections were moved there, and additionally, that it took two weeks for the division to pick up their belongings after the election.

MR. PRUITT related that on October 22nd the division began its search for another location and eventually settled on Begich Middle School. He pointed out COVID-19 was utilized as the reasoning for the first change but not the second, highlighting the division had had from August 18th until October 22nd to check in with Muldoon Town Center to determine whether the location could be used. Furthermore, Mr. Pruitt pointed out, it is in statute that if the location of a polling place is to be changed, five things needed to happen: 1.) constituents should

receive a mailer; 2.) location must be changed on the website; 3.) location must be sent to the local clerk; 4.) location must be published in the newspaper; and 5.) location must be published in the official election pamphlet. The division only changed the location on the website within a week of the election. He said that even this action was not done properly because there were still places on the website that listed the wrong location. He maintained that a sign hung at the former location stated that the polling place was "somewhere else."

5:00:09 PM

MR. PRUITT asserted that 67 of 442 precincts were changed of 442 statewide, 28 of 170 in Anchorage and Wasilla, and 19 of 119 in Anchorage alone. Of these, the division communicated only 2 changes: one in Wasilla and one in Houston. Despite this, there were no consequences for the division, he imparted.

5:01:06 PM

MR. PRUITT turned to his second point which was the state Constitutional requirement that an individual needed to live in a district for 30 days prior to an election in order to vote for a state senator or state representative in that district. However, Mr. Pruitt stated that he had received reports of individuals who had moved to a district within the 30-day period but had still voted in that district. The division gets to assume, that unless a person has told them they have moved, that that person still lives in the district they moved from and can still vote there. In a search, Mr. Pruitt said his team found, by way of a public records search, 50 people who had moved out of District 27 but who had still voted in the district.

5:03:55 PM

MR. PRUITT moved on to the third consideration, which was absentee voters and the "second signature" requirement. He opined that there was no doubt this consideration impacted the election. He supported his opinion with the following fact: typically, in District 27, there was around a 3 percent rejection rate of absentee ballots; this past election, the rejection rate was .037. This was not a statistical anomaly, Mr. Pruitt stated, but a substantial change. He posited that the injunction may have affected the election.

MR. PRUITT related an anecdote about a constituent who was "disenfranchised" by the location change and said he wanted to dispel any rumors that he was testifying to challenge the election. He reiterated that he was testifying because the location change was unfair to voters and needed to be addressed

promptly. Mr. Pruitt added more anecdotal information about voters' disenfranchisement.

5:09:17 PM

CHAIR SHOWER noted that just one disenfranchised voter testified at the court trial. He asked how many disenfranchised voters he found and how the judge handled the information.

MR. PRUITT replied "maybe 10-12 people" reached out. He added that it was also important to analyze, based on historical numbers, how many people potentially did not vote. He relayed his team analyzed Precinct 915 and two that were similar. He said this election was different; in past elections, Democrats won early 60-40 or thereabouts, but absentee votes turned out more like 60-40 Republican. Day of election, he found results typically 50-51 percent Republican. This election went the other way, with absentee votes coming out 65-35 Democrat. He related that in his race, he won early and day-of with a 65-35 margin.

MR. PRUITT added that it had been determined, based on historical numbers from Precinct 915, that 57 people were disenfranchised. District 27 also had the lowest participation Day of, and it had been some time since it had been the lowest.

CHAIR SHOWER asked about the judge's statement on why he did not pursue.

MR. PRUITT replied he did not have that information. He added that he ultimately believed the feeling was that the impact was not enough to change the outcome of the election. He surmised that there was not enough evidence in terms of the time frame scenario.

CHAIR SHOWER said the testimony showed there were plenty of things that needed to be looked at, and that the statistics of 3 percent to .37 percent was "definitely an issue."

SENATOR REINBOLD thanked Mr. Pruitt for testifying.

CHAIR SHOWER clarified that Mr. Pruitt was invited because of the information and data, and not because of the election result.

MR. PRUITT agreed, and said he was testifying because people needed election integrity.

CHAIR SHOWER held SB 39 in committee.

5:18:45 PM

There being no further business to come before the committee,
Chair Shower adjourned the Senate State Affairs Standing
Committee meeting at 5:19 p.m.